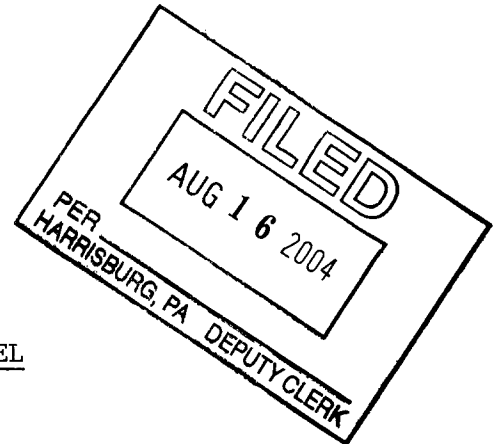


ALLEN MORSLEY,
petitioner,

CIVIL NO.1:CV-01-1003

V.

DONALD ROMINE ,
respondent,



MOTION FOR APPOINTMENT OF COUNSEL

NOW COMES , ALLEN MORSLEY , (Hereinafter "Petitioner")
Appearing Pro se, in the above captioned matter , And hereby r-
espectfully moves this Court **by motion** to appoint counsel in t-
he interest of justice . As the Petitioner **60(b)** challenge '
Is **Also** a challenge of the " **Finding Of Violence** ", Pursuant to
\$ 4B1.2, Of the Sentencing guidelines , Of his state court Att
Burglary Conviction .

In Light Of BLAKELY V. WASHINGTON, 542 U.S.____ 2004, Petition-
er Avers **that these "additional findings"** by Court Pursuant to'
the **Guidelines [w]ere and remains** to be **unconstitutional** and th-
ere Judgements are "Void". Petitioner also alleges pursuant
to U.S. V. MIKALAJUNAS, 186 F3rd. 490(4thCir. 1999), That
he is Actually Innocent of any crimes of violence ,that can be
challenged only in the context of eligibility for application ,
of **Career** Offender or other habitual offender provisions under
the Sentencing Guidelines .

Blakely , as plainly understood, makes the "additional"finding"
that was not submitted to a jury a clear violation under the (6)
Sixth Amendment , For which petitioner has spent the better par-
t 10 years arguing with little success. It is note worth[y]
that under the supreme courts ruling in Blakely, the petitioner
sentence has all but expired when taking into account the enh-
ancements such as Obstruction Of Justice **And** [C]ocaine [B]ase ..
which were [**n**]ot submitted to a jury but the petitioner was sen-
Under.

Petitioner using "Blakely V. Washington", 542 U.S. ____ 2004"; for it's " Probative Value " would seem that these enhancments also are called into question and the petitioner invokes such under 60 (b)(5).

At the core of § 4B1.2 , it sought to undermine the state fact - finding process by way of minipulating the elements of prior convictions Finalized . Where it is traditionally within the respective state legislateture to " define and enforce- the criminal law under the proper Jurisdiction under which the conduct constituted a crime ". As noted within Blakely ,for its "probative Value "; petitioners Common Law Att. Burg additional finding of Violence ", would either have to be stipulated to [o]r submitted to a jury and proven beyond a reasonable doubt .

Because of time restraints , The petitioner can not at this' time go further / Or Submit reasons for appointment of counsel under Seperate Arguments .

Respectfully Submitted This 11th Day of Aug 2004
Mr Allen Morsley
MR . ALLEN MORSLEY

CERTIFICATE OF SERVICE

I ALLEN MORSLEY HERBY CERTIFY UNDER THE PENALTYS OF PERJURY THAT I HAVE PLACED A COPY OF SAID MOTION IN THE MAIL BOX POSTPAID TO COUNSEL FOR THE RESPONDENT THIS 11th DAY OF AUG 2004 OF THIS DO I NOW AFFIX MY HAND

Mr Allen Morsley

NAME MR. ALLEN MORSLEY

REG. NO. 14718056

UNITED STATES PENITENTIARY

LEE COUNTY

Post Office Box 505

Filed 8/12/04
JONESVILLE, VA 22663-4300
U.S. PENITENTIARY - LEE COUNTY
PO Box 503 - Jonesville, VA 22663
DATE 8-12-04
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Office of the clerk
UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA
228 Walnut Street
P.O. BOX 983
HARRISBURG, PA. 17108

